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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,638	03/05/2002	Richard A. Bardini	SONY-16000	9147
28960 7590 03/22/2007 HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER HAMANN, JORDAN J	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/091,638

Applicant(s)

BARDINI ET AL.

Examiner

Jordan Hamann

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-20,22-25,27-30 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7,20,22-24 and 28-30 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,8-13,15,17,19,25,27,32,34,36,38,41,43,45 and 47 is/are rejected.
- 7) ☒ Claim(s) 14,16,18,33,35,37,39,40,42,44,46,48 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/14/06, 5/2/06 & 9/5/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Qarni et al. (US 6,438,105 B1).

With respect to claim 1, Qarni discloses a method of performing retransmission and flow control comprising: providing retransmission and flow control information from the receiving device (Figure 1 Element 26) to the transmitting device (Figure 1 Element 18) related to a stream of isochronous data packets (facsimile packets, which are delay sensitive, column 1 lines 40-42) transmitted from the transmitting device to the source device, wherein the stream of isochronous data packets is transmitted in non real-time (over Internet Protocol network, Figure 1 Element 22); monitoring the stream of isochronous data packets received at the receiving device for necessary retransmission or flow control (column 7 lines 40-51, the packets are monitored to send and acknowledgement); and transmitting a back channel packet from the receiving device to

Art Unit: 2616

the transmitting device over the back channel (column 7 lines 40-51, acknowledgement).

A back channel between the transmitting and receiving device is inherently configured for the devices to communicate acknowledgements.

With respect to claim 2, plug is interpreted as a channel endpoint. Each channel endpoint inherently needs to be configured for the sending and receiving devices to communicate with each other.

With respect to claim 8, Qarni discloses wherein the stream of isochronous data packets includes audio/visual content data (column 4 lines 18-20).

With respect to claims 9 and 10, it is interpreted that the acknowledgement packet may be either an isochronous or asynchronous packet.

3. Claims 6, 11-13, 15, 17, 19, 25, 27, 32, 34, 36, 38, 41, 43, 45 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Hershey (US 6,662,330 B1).

With respect to claim 6, Hershey discloses a method of performing retransmission and flow control comprising: providing retransmission and flow control information from the receiving device (Figure 1 Element 104) to the transmitting device (Figure 1 Element 102) related to a stream of isochronous data packets transmitted

from the transmitting device to the source device (column 5 lines 20-22, delay-sensitive data); monitoring the stream of isochronous data packets received at the receiving device for necessary retransmission or flow control (data must be monitored to send ARQ messages); configuring a back channel packet for indicating a retransmission or flow control function to perform, wherein the back channel packet includes a control instruction that instructs the transmitting device to reset transmission of the stream of isochronous data packets starting from a specified packet within the stream of isochronous data packets, and further wherein the back channel packet includes a control field that contains a value corresponding to the control instruction and d. transmitting the back channel packet from the receiving device to the transmitting device over the back channel (column 8 line 35 – column 9 lines 5, one message is Receiver ARQ message of Figure 5 Element 508 and column 9 line 46 – column 10 line 37, the receiver the receiver sets the anchor to a specific block to be transmitted).

With respect to claim 11, Hershey discloses a method of performing retransmission and flow control comprising: providing retransmission and flow control information from the receiving device (Figure 1 Element 104) to the transmitting device (Figure 1 Element 102) related to a stream of isochronous data packets (column 5 lines 20-22, delay-sensitive data) transmitted from the transmitting device to the source device, wherein the back channel is an isochronous channel (communication link 116 transfers delay-sensitive (or isochronous) packets, and is interpreted as an isochronous channel); monitoring the stream of isochronous data packets received at the receiving

Art Unit: 2616

device for necessary retransmission or flow control (data must be monitored to send ARQ messages); configuring a back channel packet for indicating a retransmission or flow control function to perform; and transmitting the back channel packet from the receiving device to the transmitting device over the back channel (column 8 line 35 – column 9 lines 5, one message is Receiver ARQ message of Figure 5 Element 508).

A back channel between the transmitting and receiving device is inherently configured for the devices to communicate ARQ messages.

With respect to claim 12, Hershey discloses a method of performing retransmission and flow control comprising: providing retransmission and flow control information from the receiving device (Figure 1 Element 104) to the transmitting device (Figure 1 Element 102) related to a stream of isochronous data packets (column 5 lines 20-22, delay-sensitive data) transmitted from the transmitting device to the source device; monitoring the stream of isochronous data packets received at the receiving device for necessary retransmission or flow control (data must be monitored to send ARQ messages); configuring a back channel packet for indicating a retransmission or flow control function to perform; and transmitting the back channel packet from the receiving device to the transmitting device over the back channel (column 8 line 35 – column 9 lines 5, one message is Receiver ARQ message of Figure 5 Element 508).

With respect to claim 13, plug is interpreted as a channel endpoint. Each channel endpoint inherently needs to be configured for the sending and receiving devices to communicate with each other.

With respect to claims 15 & 17, Hershey discloses wherein the isochronous back channel packet includes a control instruction that instructs the transmitting device to reset transmission of the stream of isochronous data packets starting from a specified packet within the stream of isochronous data packets (column 9 line 46 – column 10 line 37, the receiver the receiver sets the anchor to a specific block to be transmitted).

With respect to claim 19, Hershey discloses wherein the stream of isochronous data packets includes audio/visual content data (column 5 lines 30-33).

With respect to claim 25, Hershey discloses a method of receiving retransmission and flow control comprising: receiving an isochronous back channel packet from a receiving device (column 8 line 35 – column 9 lines 5, one message is Receiver ARQ message of Figure 5 Element 508) wherein the isochronous back channel packet is received over an isochronous channel (column 5 lines 20-22) wherein the isochronous back channel packet includes identification a control instruction, and identification of a specific packet within the stream of isochronous data packets to which the control instruction is to be applied (column 8 line 35 – column 9 lines 5, one message is Receiver ARQ message of Figure 5 Element 508); receiving the isochronous back

Art Unit: 2616

channel packet via the receiving plug; and regulating transmission of the stream of isochronous data packets as determined by the control instruction (column 9 line 46 – column 10 line 37, the receiver the receiver sets the anchor to a specific block to be transmitted).

Plug is interpreted as a channel endpoint. Each channel endpoint inherently needs to be configured for the sending and receiving devices to communicate with each other.

With respect to claim 27, Hershey discloses wherein the control instruction instructs the transmitting device to reset transmission of the stream of isochronous data packets starting from a specified packet within the stream of isochronous data packets (column 9 line 46 – column 10 line 37, the receiver the receiver sets the anchor to a specific block to be transmitted).

With respect to claims 32 and 34, the apparatus claims are interpreted and rejected for the same reasons set forth in the method claims 25 and 27, respectively. The devices 104 and 102 of Hershey inherently include circuits to realize the method and system.

With respect to claim 36, Hershey discloses wherein the isochronous back channel packet includes a control instruction that instructs the transmitting device to reset transmission of the stream of isochronous data packets starting from a specified

Art Unit: 2616

packet within the stream of isochronous data packets (column 9 line 46 – column 10 line 37, the receiver the receiver sets the anchor to a specific block to be transmitted).

With respect to claim 38, Hershey discloses wherein the stream of isochronous data packets includes audio/visual content data (column 5 lines 30-33).

With respect to claims 41 and 43, the apparatus claims are interpreted and rejected for the same reasons set forth in the method claims 25 and 27, respectively.

With respect to claim 45, Hershey discloses wherein the isochronous back channel packet includes a control instruction that instructs the transmitting device to reset transmission of the stream of isochronous data packets starting from a specified packet within the stream of isochronous data packets (column 9 line 46 – column 10 line 37, the receiver the receiver sets the anchor to a specific block to be transmitted).

With respect to claim 47, Hershey discloses wherein the stream of isochronous data packets includes audio/visual content data (column 5 lines 30-33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qarni et al. (US 6,438,105 B1) in view of Hershey (US 6,662,330 B1).

Qarni discloses sending redundant isochronous packets to be received within a flow-control window.

Hershey discloses sending a control instruction from a receiving device to a transmitting device to reset transmission of the stream of isochronous data packets starting from a specified packet within the stream of isochronous data packets.

Qarni and Hershey are analogous art because they are from the same field of endeavor of transmitting and receiving isochronous packets.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use ARQ messages to reset the transmission of the stream of packets in the method of Qarni.

The motivation for doing so would have been abandon further transfer attempts of a corrupt block (column 8 lines 51-62).

Allowable Subject Matter

6. Claims 14, 16, 18, 33, 35, 37, 39, 40, 42, 44, 46, 48 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 5, 7, 20, 22-24 and 28-30 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

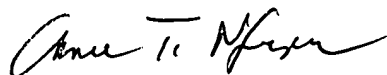
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Hamann whose telephone number is (571) 272-8564. The examiner can normally be reached on Monday-Thursday 8:30-5:30 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJH



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